

Exhibit No. 7

Date 3-19-11

Bill No. HB 2

# **Board of Public Education's Proposed Amendment to HB 2**

## **Senate Finance and Claims Committee**

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## **Board of Public Education Overview**

The Board of Public Education is a seven member, governor appointed board exercising general supervision over the K-12 public education system and is established by Article X Section 9 of the Montana Constitution. The Board typically meets 6 times a year to conduct business as the Board of Public Education and two times a year with the Montana Board of Regents as the Board of Education.

Duties prescribed by law include, but are not limited to:

1. Adopt all standards of accreditation including:
  - Content and performance standards and learning benchmarks
  - General accreditation standards including:
    - \* Definitions
    - \* Variance to standards
    - \* School improvement plans
    - \* Input standards
    - \* School climate
    - \* On-line learning
    - \* Student assessment
    - \* Uniform system of teacher, administrator and specialist licensure
    - \* Standards for post-secondary schools of teacher preparation
2. Effect an orderly and uniform system for teacher, administrator and specialist licensure:
  - Consider the suspension, denial or revocation of educator licenses
  - Conduct hearings on appeal of educators
  - Material and non-performance issues
3. Establish the accreditation status of every accredited school in Montana
4. Order the distribution of the base aid
5. Adopt rules for student assessment in all public schools
6. Adopt policies for the conduct of special education and gifted and talented programs
7. Adopt and enforce policies to provide uniform standards and regulations of school buses
8. Serve as the school board of the Montana School of the Deaf and Blind
9. Identify criteria for teachers receiving the Quality Educator Loan Assistance

Staffing for the Board of Public Education includes one executive secretary and one administrative assistant. This staffing level has remained the same since 1972. The operating costs, in addition to personal services, include: travel and per diem for seven board members from around the state; an honorarium for certain board members that qualify; fixed costs; legal fees; dues; conference room rentals; registration fees; and ITSD costs.

Potentially the greatest single cost to the Board, but yet the hardest for which to budget, are unanticipated legal fees to conduct hearings regarding the licensure cases.

**Board of Public Education's**  
**Certification Standards and Practices Advisory Council**

The Montana Legislature established the Certification Standards and Practices Advisory Council in 1987 to conduct research and make recommendations to the Board of Public Education on licensure issues pertaining to teachers, administrators and specialists; professional standards and ethical conduct; the status and efficacy of approved teacher education programs in Montana; and policies related to the denial, suspension, and revocation of educator licensure and the licensure appeals process. The Board of Public Education appoints its members. The council consists of seven members who serve three-year terms.

**Duties of the Council**

- Conducts comprehensive reviews and recommends periodic updates to all the Montana educator licensure rules and the Montana professional educator preparation program standards.
- Serves as the review panel for all Class 8 Dual Credit Postsecondary Faculty Licensure applications.
- Adopts and maintains the Montana Professional Educator Code of Ethics.
- Assists the Board in establishing standards and policies on suspension, denial and revocation of educator licensure.
- Researches strategies to improve recruitment and retention of teachers, administrators, and specialists with on-site and distance delivered mentoring programs.
- Studies tiered licensure and other professional development models to enhance educator effectiveness.

**Council Funding**

The certification fee in Montana is \$6 for each year of the term of the certificate. In 1999, the Montana Legislature designated \$4 of each yearly certification fee for the operation of the Council. The Legislature appropriated the remaining \$2 of the fee for maintenance of the CSPAC Research Fund. This fund is to be used by the Council and the Board of Public Education to conduct research on the issues before the Council and the Board.

## **Major Deficiency Remaining to the Board of Public Education's Budget**

The Board of Public Education was originally exempt from the 5% reductions to the base pursuant to 17-7-111, MCA as it has far less than the 20 FTE which makes the Board eligible for the exemption under law. Further, the Board manages a State Special Revenue Fund that does not transfer investment earnings or fund balances to the General Fund which further qualifies under law this agency from the 5% cut. However, the Education Appropriations Subcommittee chose to apply the cut to the Board further reducing its ability to operate. We request the House Appropriations Committee amend HB2 to allow this exemption.

## **Proposed Amendment**

1. Restore the 5% reduction budget amounts to the Board of Public Education that were allowed to other small agencies that are less than 20 FTE in accordance to MCA 17-7-111(3)(f).

**MCA 17-7-111 (3)(f)** "for agencies with more than 20 FTE, a plan to reduce the proposed base budget for the general appropriations act and the proposed state pay plan to 95% of the current base budget or lower if directed by the budget director. Each agency plan must include base budget reductions that reflect the required percentage reduction by fund type for the general fund and state special revenue fund types. Exempt from the calculations of the 5% target amounts are legislative audit costs, administratively attached entities that hire their own staff under 2-15-121, and state special revenue accounts that do not transfer their investment earnings or fund balances to the general fund."